

EFFECTIVE

February 1, 2022.

Subject(s)

1. GDM 600, Juvenile Guardianship.
2. GDM 700, Juvenile Guardianship Assistance Program Overview.
3. GDM 715, Juvenile Guardianship Assistance Eligibility.

**1) GDM 600,
Juvenile
Guardianship*****Definitions***

Guardian is a person appointed as guardian of a child by a Michigan court pursuant to MCL 700.5204 or 700.5205.

Juvenile guardian is a person appointed guardian of a child by a Michigan court pursuant to MCL 712A.19a or MCL 712A.19c.

Estate and Protected Individuals Code (EPIC) guardianship governs matters pertaining to the administration of estates of a deceased and protected person.

Limited guardianship is created by the filing of a petition by the minor's custodial parent or parent(s), where parental rights are voluntarily suspended.

Full minor guardianship is created by way of a petition typically filed by someone other than a parent not with the consent of parents.

Juvenile Guardianship Assistance

The assigned foster care caseworker is responsible for applying on the prospective guardian(s) behalf when assistance is requested through the Adoption and Guardianship Assistance Office (AGAO).

Determining Guardianship as a Permanency Goal

Before pursuing a juvenile guardianship for a child, the foster care caseworker must review the federal permanency goals as outlined in [FOM 722-07, Permanency Planning- Overview](#). The caseworker must consider if reunification and adoption are in the child's best

interest. Reasons of why reunification and adoption are not in the child's best interest must be clearly documented in the child's case service plan.

Guardianship Assistance Program (GAP)

To be eligible for GAP, the AGAO must determine if the application supports reunification and adoption for the child. If these permanency goals are not appropriate for the child, it must be documented in their guardianship assistance application. A finding that reunification and adoption have not been ruled out for the purposes of determining GAP eligibility may differ from the court determined permanency goal. The eligibility determination for GAP is based on the requirements of the Guardian Assistance Act and Title IV-E under the Social Security Act.

Federal Bureau of Investigation (FBI) fingerprinting completed for families requesting guardianship assistance and results must not be released with the exception to the AGAO.

Juvenile Guardianship Process for Temporary and Permanent Court Wards

Not Requesting

When the prospective guardian(s) is not requesting guardianship assistance, they must sign the DHS-2051, Caregiver Permanency Planning Checklist indicating they are not requesting assistance. The assigned foster care caseworker must provide a copy of the DHS-2051 to the AGAO prior to petitioning the court for guardianship.

Once the guardianship has been appointed the child is not eligible to receive guardianship assistance, Medicaid, or Medical Subsidy through the AGAO.

Reason: Recommendation from the AGAO.

**2) GDM 700,
Juvenile
Guardianship
Assistance
Program Overview*****Guardianship Assistance***

Eligibility for the juvenile guardianship assistance program (GAP) is determined by the Michigan Department of Health and Human Services (MDHHS) AGAO.

Legal Authority

The title IV-E funded program is based on federal Public Act 110-351 (Social Security Act, 42 USC 673). The state funded program is based on Public Act 260 of 2008, as amended.

Reason: Recommendation from the AGAO.

**3) GDM 715,
Juvenile
Guardianship
Assistance
Eligibility*****Overview***

MDHHS provides Title IV-E funded and state funded guardianship assistance for children who are placed in a permanent juvenile guardianship from Michigan's Public Child Welfare system who meet specific criteria.

Requests for a guardianship assistance eligibility determination are made by the foster care caseworker by submitting an application packet to the AGAO.

For a child to be eligible for GAP the child must meet all of the guardianship assistance eligibility requirements. Eligibility for guardianship assistance is determined by the AGAO. Prior to the appointment by the court the DHS-3313, Guardianship Assistance Agreement, must be signed by the guardian(s) and the AGAO program manager or designee in order for the child to be eligible for assistance.

If the guardianship is appointed prior to receiving the required final MDHHS signatures on the DHS-3313, the child will be ineligible for the guardianship assistance funds through the AGAO.

Reason: Recommendation from the AGAO.

Temporary Court Wards

Documents found in this policy are required for temporary court wards.

The bulleted points outlined in this policy must be addressed in the case service plan.

Reason: Recommendation from the AGAO.

Michigan Children's Institute (MCI) and Permanent Court Ward Applications

Documents found in this policy are required to apply for guardianship assistance for children who are MCI or permanent court wards.

The bulleted points outlined in this policy must be addressed in the case service plan.

MCI applications need to go directly to the MCI office and assistance applications need to go directly to the AGAO.

Reason: Recommendation from the AGAO.

Title IV-E Funding

The AGAO will verify the child's current foster care funding for all cases involving children living with a licensed relative.

When it is determined that the child is currently eligible to receive Title IV-E foster care funds, relative guardianship assistance will be funded by Title IV-E funds when the AGAO has determined that all other eligibility criteria have been met.

Reason: Recommendation from the AGAO.

Felony Convictions

Adult members of the guardian's household must not have any of the bulleted felony convictions outlined in policy.

To ensure compliance with safety requirements the DHS-5612-G, Verification of Tribal Guardianship Assistance Safety Requirements, may be utilized in place of the CWL-1326, Licensing Record Clearance Request, when submitting an application for

guardianship assistance programs for homes licensed/supervised by a tribe. Fingerprinting must be completed, and the outcome provided in the home study.

Reason: Recommendation from the AGAO.

State Funding Determination

When it is determined the child is not currently eligible to receive Title IV-E foster care funds or is currently placed in a non-relative placement, guardianship assistance will be funded by state funds when the AGAO has determined that all other eligibility criteria have been met.

Reason: Recommendation from the AGAO.

Eligibility Determination

The eligibility determination process begins when the AGAO receives a complete application packet. The AGAO is responsible for determining if the eligibility criteria is met for funding through GAP. The AGAO will determine if the supporting documentation outlined in this policy is in the application packet.

A finding that reunification and adoption have not been eliminated for purposes of determination guardianship assistance eligibility may differ from the court determined permanency goal.

Reason: Recommendation from the AGAO.

Time Frames

The request for guardianship assistance will be assessed and either approved or denied within 30 calendar days of receipt of a complete application in the AGAO.

Reason: Recommendation from the AGAO.

Agreements

When the child is determined eligible for juvenile guardianship assistance by the AGAO, the office will issue an agreement to the assigned foster care caseworker. The assigned foster care caseworker will review the agreement with the prospective guardian(s) and negotiate the amount of ongoing monthly guardianship assistance payments with the prospective guardian(s). The prospective guardian(s) will enter the amount of the negotiated ongoing monthly guardianship assistance payments

and will sign the agreement. Another adult must witness the signature and sign the agreement as the witness. The assigned caseworker may sign as the witness if the prospective guardian(s) signs in the caseworker's presence.

Michigan guardianship assistance agreements remain in effect regardless of the state of residence of the guardian(s).

If the guardianship is appointed prior to the DHS-3313, the child will be ineligible for the guardianship assistance funds through the AGAO.

Reason: Recommendation from the AGAO.

Denial for Juvenile Guardianship Assistance

If it is determined by the AGAO the child is not eligible for guardianship assistance a DHS-3311-g, Notice of Juvenile Guardianship Assistance and Nonrecurring Expenses Denial and Right to Appeal, will be sent to the assigned caseworker to review within the timeframes found on the notice with the prospective guardian(s). The prospective guardian(s) will sign the DHS-3311-g and return a copy to the AGAO.

Reason: Recommendation from the AGAO.

Not Requesting Guardianship Assistance

Prospective guardian(s) may choose not to apply for guardianship assistance. Prospective guardian(s) must document their decision by completing the DHS-2051, indicating in the requesting/not requesting section, they are not requesting guardianship assistance.

The foster care caseworker must email a copy of the DHS-2051 to the [MDHHS AGAO Apps and Openings Mailbox \(MDHHS-AGAO-apps-and-openings@michigan.gov\)](mailto:MDHHS-AGAO-apps-and-openings@michigan.gov).

Reason: Recommendation from the AGAO.

Appendix

See Appendix in this policy for the chart outlining the six consecutive month requirement.

Reason: Recommendation from the AGAO.

**MANUAL
MAINTENANCE
INSTRUCTIONS**

Changed Items ...

[GDM 600](#)

[GDM 700](#)

[GDM 715](#)